

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**UNITED STATES OF AMERICA EX
REL. RAVINDRA GOGINENI,**

Plaintiff,

v.

**FARGO PACIFIC INC., JAY S.H.
PARK, and EDGAR L. MCCONNELL,**

Defendants.

No. 1:17-cv-00096

OPINION AND ORDER

MOSMAN, J.,

On July 21, 2023, Magistrate Judge Michael J. Bordallo issued his Report and Recommendation (“R&R”) [ECF 170], recommending that I deny the Relator’s Motion for Partial Summary Judgment [ECF 91] and find that, as a matter of law, the presumed loss rule does not apply to the task orders awarded to Fargo under the 2009 IDIQ Contract. The Relator filed an objection [ECF 172] on August 4, 2023, to which Defendants jointly responded [ECF 174]. Defendants filed limited objections [ECF 171] to which Relator responded [ECF 173] on August 18, 2023. Upon review, I agree with Judge Bordallo. I DENY the Motion for Partial Summary Judgment and find that the presumed loss rule does not apply to the task orders awarded to Fargo Pacific Inc. under the 2009 IDIQ Contract.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Bordallo's recommendation, and I ADOPT the R&R [ECF 170] as my own opinion. The Motion for Partial Summary Judgment [ECF 91] is DENIED.

IT IS SO ORDERED.

DATED this 29th day of September, 2023.


MICHAEL W. MOSMAN
Senior United States District Judge